



Continuation of Substance of Interview including description of the general nature of what was discussed:

At the outset the Examiner noted that the amendment of 7/8/2010 deleted the elected tebuconazole from all but claim 1, and that if an agreement were not reached, one course of action that the Examiner could pursue is to maintain the restriction requirement and examine only the claims that read on the previously elected and examined subject matter. An agreement was initially reached to limit component (b) to bitertanol, cyproconazole, difenoconazole, epoxiconazole, hexaconazole, myclobutanil, prothioconazole, and triadimenol. The Examiner mentioned however that a search update needs to be done and that he was aware of many similar published applications by applicant, which require review for double patenting issues. On 10/25/2010, the Examiner called to inform Mr. Grandinetti and Mr. Lewis that the above noted patents raised obviousness type double patenting issues vis-à-vis the proposed amended subject matter. The Examiner stated that he would write up an Office action wherein the currently pending claims are examined, i.e. claim 1 is rejected and all other claims are withdrawn as non-elected.